

REMARKS

The Office Action dated November 30, 2004 rejects pending claims 22-26.

A. Rejection under 35 U.S.C. 112, first paragraph

The Office Action rejects claims 22-26 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. According to the Office Action, a biological deposit of monoclonal antibody mAbC is required on or before the date of payment of the issuance fee. Once this deposit is perfected, the Office Action states that the claims will be limited to mAbC, which is characterized as having binding affinity for sperm cells from a plurality of species. The Office Action goes on to state that the open-ended claim language "the antibody comprises monoclonal antibody mAbC" is not enabled, because it encompasses antibodies other than mAbC.


Applicant has amended the open language in claim 22 such that the claim is drawn specifically to the antibody mAbC. In addition, Applicant has amended claim 22 to specify that the antibody is secreted by a hybridoma having the ATCC accession number "XXX." Applicant deposited a hybridoma that produces mAbC with the ATCC on May 27, 2005. A letter from the ATCC confirming this deposit is attached as Exhibit 1. Applicant will receive a deposit number from the ATCC once the cells have been assayed for viability, at which point Applicant will amend the claims to reflect this number.

CONCLUSION

In view of the foregoing, it is submitted that the present claims are in condition for allowance. Accordingly, Applicant respectfully requests that a Notice of Allowance be issued.

Respectfully submitted,
Perkins Coie LLP

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ACKNOWLEDGMENT OF RECEIPT OF MATERIAL FOR PATENT DEPOSIT

To: Ken Wang
BioAgri Corporation

Fax: 626-810-2743

From: ATCC Patent Depository

Date: May 27, 2005

Received: 25 vials of Hybridoma, your designation mAbC on May 24, 2005 for patent deposit purposes on behalf of BioAgri Corporation.

Marie Harris

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Affiliated Organizations: American Association for Cancer Research, Inc. • American Association of Immunologists • American Institute of Biological Sciences • American Phytopathological Society • American Society for Biochemistry and Molecular Biology • American Society for Cell Biology • American Society for Microbiology • American Society for Virology • American Society of Agronomy • American Society of Human Genetics • American Society of Parasitologists • American Society of Tropical Medicine and Hygiene • Canadian Federation of Biological Societies • Clinical Society of Microbiologists • Clinical Society of America • Infectious Diseases Society of America • Mycological Society of America • National Research Council • National Academy of Sciences • Pharmaceutical Research & Manufacturers of America (PhRMA) • Society for Industrial Microbiology • Society for Integrative & Comparative Biology • Society for Virology • Society for Yeast Biology • Society for Zoonotic Biology

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TOTAL P.01